

CIA 5-03.2

LAS VEGAS SUN

FEB 26 1964

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By ROBERT C. RUARK

I commend the attorneys for the defense in some of the finest extra-legal maneuverings since the days of The Great Mouthpiece, Mr. William Fallon, and I am quite sure they'll get their boy off either with an acquittal under the classic M'Naghten case or at least a short stretch in one of the better nut hatches.

But if I were trying the case of Jack Ruby — if I were the judge on the bench or the foreman of the jury or the prosecuting attorney — I would hold out for the death penalty in the case of Ruby.

In the basic letter of the law, you are not supposed to go around shooting strangers because you just might happen to be emotionally unstrung. It sets a sorry precedent, as any lawyer will tell you, and if you set enough sorry precedents, one of these days anybody with a gun has a license to use it.

There is practically no doubt that Oswald shot the President. But the job of execution belonged to the state, not to some bum who runs strip joints in a cheesy part of town. Law is law. Vengeance is Mine, saith the Lord, but in a working community, the forces of order should have first crack at it.

I would like to have seen Lee Oswald hanged a foot higher than Haman — drawn and quartered, if you like — but I would like to have seen it happen after his day in court. And the thought occurs to me now that if I show up with a gat — and I know people in Dallas — and shoot Jack Ruby, we are really in a lovely piece of legal precedent. Can you burn, or hang, your correspondent for the sin of shooting the man who shot the man who shot the President?

As the judge who sees this case, as the jury which hears it, I would wonder what a gentleman is doing with a pistol in his pocket in a police station at that particular hour of the day. It was 10 a.m. and you don't take the receipts from last night's action with you to a police station at 10 a.m. I question also the validity of packing a rod to protect such slim pickings, even if you do go home with the loot at 3 a.m.

I question the legality of trying the case before it comes to actual court, with press-agentry unseen since Christine Keeler, even though I commend the sagacity of the learned counsel for the defense. As a part-time lawyer, I would suggest that if the jury finds unkindly, we might move to have the whole business thrown out because of its premature subjection to public opinion.

If Ruby is already ascertained as a nut — and now, it seems, a proper churchgoing nut as well — before hardly anybody enters the court, the lawyers don't really have to do any work, do they? How can you come on any stronger than the preview which has to be better than the picture?

The basic of this Ruby trial has nothing to do with President Kennedy. It has to do with simple law. The simple law is that you can kill to apprehend, or to prevent, but you cannot kill vindictively, with malice aforethought, even if the villain has raped your mother and burnt down your house.

Ruby was not killing to apprehend or to prevent. He was killing with a pistol he had thoughtfully put in his pocket, and he carefully infiltrated a cordon of cops, using his past acquaintance as a weapon. The state of his nerves is not pertinent.

He killed a stranger, coldly, and with obvious forethought.

Emotion according to the classic M'Naghten doesn't enter here, Ruby murdered a man.

The fact that he might have deprived the CIA and the Secret Service of a lot of useful information also does not enter here.

He killed a man on purpose. This is not good for business generally.

If emotional killers with guns

are encouraged to take those guns into police stations and shoot people who have not yet been formally charged, we have no law.

And if the city of Dallas, Tex. allows cases to be tried publicly in the prints, with the accused being accorded the privilege of a visiting movie star, we have a city where the cops aren't smart enough to keep one jerk from killing another jerk who was so much smarter than the forces of law that the first jerk shot and killed dead the President of the United States.

And if this character, Ruby, cops out with a short stint in the local insane asylum, due to some beautiful staff work by some beautiful legal talent — well, I just might start wearing iron myself, in case I'm emotionally disturbed. In, of course, the classic M'Naghten fashion.